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15 Attorneys for Defendant
16 LEO PALACE RESORTS

17 UNITED STATES DISTRICT COURT

18 DISTRICT OF GUAM

19 EQUAL EMPLOYMENT
20 OPPORTUNITY COMMISSION,

21 Plaintiff,

22 v.

23 LEO PALACE RESORT,

24 Defendant.

CASE NO.: 1:06-CV-00028

[Signature]
~~FILED~~ SCHEDULING ORDER
AND STIPULATED DISCOVERY PLAN

Case filed: September 29, 2006

25
26 The Parties hereto, by and through their undersigned counsel, having met and conferred
27 as required by Federal Rule of Civil Procedure 26(f) and Local Rules 16-1 and 16-2, do hereby
28 stipulate and agree that the following will constitute the discovery plan and scheduling order in

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DISTRICT COURT OF GUAM

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MARY L.M. MORAN
CLERK OF COURT

1 this matter, pursuant to Local Rule 16-1 and Federal Rule of Civil Procedure 26(f).

2 Local Rule 16-1(c)(4) Information:

3 (A). The nature of the case is as follows:

4 This case is an action under Title VII of the Civil Rights Act of 1964 and Title I of the
5 Civil Rights Act of 1991 in which Plaintiff United States Equal Employment
6 Opportunity Commission ("EEOC") alleges Defendant Leo Palace Resorts engaged in
7 unlawful employment practices on the basis of sex and retaliation. The EEOC seeks to
8 correct the alleged unlawful employment practices, and seeks appropriate relief for
9 Vivienne Villanueva, Jennifer Holbrook, Rosemarie Taimanglo, and other similarly
10 situated individuals who were adversely affected by such alleged unlawful employment
11 practices.

12 (B). The posture of the case is as follows:

- 13 (i). There are no motions currently on file;
14 (ii). No motions are currently resolved;
15 (iii). No discovery has been taken;
16 (iv). Defendant Leo Palace Resort filed the Answer of Defendant Leo Palace
17 Resort on October 23, 2006.

18 (C). The parties adopt and incorporate the attached discovery plan.

19 (D). Not Applicable because the parties have agreed to a discovery plan with no
20 modifications from the applicable rules.

21 (E). The following dates:

- 22 (i). All motions to add parties and claims shall be filed on or before April 20,
23 2007.
24 (ii). All motions to amend pleadings shall be filed on or before April 20,
25 2007.
26 (iii). Currently, the parties are scheduled to appear before the District Court on
27 December 28, 2006 at 10:00 a.m. for the Scheduling Conference. On
28 December 5, 2006, the parties filed a stipulation to continue the

Scheduling Conference;

(iv.) The discovery cut-off date (defined as the last day to file responses to discovery) is: June 22, 2007

(v.) Discovery and dispositive motion cut-off dates (the last day to file motions):

a) The anticipated discovery motions are: No discovery motions are anticipated at this time. All discovery motions shall be filed on or before May 22, 2007, and heard on or before June 22, 2007.

b) The anticipated dispositive motions are:

Plaintiff EEOC anticipates filing a motion for summary judgment.

Defendant Leo Palace Resorts anticipates filing a motion for summary judgment on some or all of EEOC's claims.

All dispositive motions shall be filed on or before July 27, 2007, and heard on or before August 24, 2007.

(vi.) The Preliminary Pretrial Conference shall be held on the 9th day of October, 2007, at 10:30 a.m. (no later than twenty-one (21) days prior to trial date).

(vii.) Dates for filing the trial brief, exhibit lists, witness lists, and the joint pretrial order as required by LR 16.7:

(a.) The parties' pretrial materials, discovery material, witness lists, designations and exhibit lists shall be filed on or before October 16, 2007 (no later than fourteen (14) days prior to trial).

(b.) The Proposed Pretrial Order shall be filed on or before the 16th day of October, 2007 (no later than fourteen (14) days prior to trial).

(c.) The Final Pretrial Conference shall be held on the 23rd day of October, 2007 at 10:30 a.m. (seven (7) days prior to trial).

(viii.) The trial shall be held on the 30th day of October, 2007, at 9:00 a.m. (in

1 no event shall the trial be later than 18 months after the complaint is filed,
2 unless the Court otherwise allows).

3 F. The Prospects for settlement are good.

4 G. The trial is a jury trial.

5 H. It is anticipated that it will take fourteen (14) court days to try this case.

6 I. The names of counsel on this case are:

7 Attorneys for the Plaintiff United States Equal Employment Opportunity

8 Commission: Anna Y. Park, Angela Morrison, Gregory S. McClinton, Derek Li

9 Attorneys for Defendant Leo Palace Resorts:

10 Tim Roberts

11 Dooley Roberts & Fowler LLP

12 J. The parties do wish to submit this case to an early settlement conference.

13 K. The parties present the following suggestions for shortening trial: Because the
14 litigation has not proceeded beyond the earliest stages of discovery, the parties
15 currently do not have any suggestions for shortening trial. However, the parties
16 will supplement this as more information becomes available.

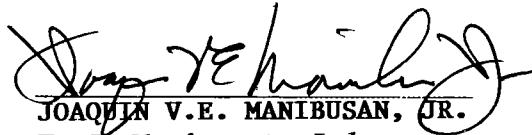
17 L. The following issues will also affect the status or management of the case:

18 a). Plaintiff EEOC believes that charging parties Vivienne Villanueva,
19 Jennifer Holbrook, and Rosemarie Taimanglo will move to intervene as
20 plaintiffs in this case. If the motion is granted, Plaintiff EEOC and
21 Defendant Leo Palace Resorts agree to provide to Intervenor Plaintiffs
22 copies of all discovery completed and in their possession in the case
23 within fifteen (15) days of the date on which the Court allows such
24 intervention.

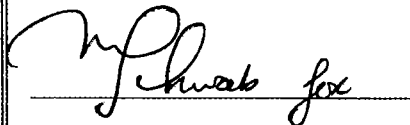
25 b). Because Plaintiff EEOC's offices are located in Los Angeles, California,
26 and Las Vegas, Nevada, the parties agree and stipulate that mail,
27 overnight mail, electronic mail (PDF Document with copy of signature
28 with original by mail) and facsimile can be used as a form of service. If

1 service is by electronic mail, the parties shall convert such document to
2 PDF file with a copy of original with signatures by mail.
3


4 DATED this 5th day of January, 2007.

6
7 
8 JOAQUIN V.E. MANIBUSAN, JR.
9 U. S. Magistrate Judge

10
11 APPROVED AS TO FORM AND CONTENT:

12 
13

14 Anna Y. Park
15 Angela Morrison
16 Derek Li
Gregory S. McClinton
Attorneys for Plaintiff U.S. EEOC

17
18  12/13/06

19 Tim Roberts
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21 Attorney for Defendant Leo Palace
22 Resorts
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DISTRICT COURT OF GUAM
HAGATNA, GUAM